

**City of Eau Claire  
Plan Commission Minutes  
Meeting of December 14, 2015**

City Hall, Council Chambers

7:00 p.m.

Members Present: Messrs. Granlund, Larsen, Pederson, Radabaugh, Seymour, Weld  
Ms. Ebert and Ms. Mitchell

Staff Present: Messrs. Tufte, Ivory, Genskow, Noel

The meeting was chaired by Mr. Weld.

1. **REZONING (Z-1569-15) – C-3P to R-3P, Bullis Farm Road**

Mr. Radabaugh left his seat.

Mr. Tufte presented this item that was postponed from the last commission meeting. The request is to rezone property from C-3P to R-3P and to adopt the general development plan for two apartment buildings at 4814-4940 Bullis Farm Road. The preliminary site plan shows two 47-unit apartments on approximately 5.8 acres. The proposed three-story buildings will have underground parking and surface parking. The final site plan approval will need to be approved at a later date. The Comprehensive Plan shows this site as being appropriate for commercial development with medium-density residential development to the north. Two letters of support have been submitted.

Applicant, Stuart Schaefer with Commonweal Development stated they changed the site's land use after over a decade of marketing it for office development. There is a lack of demand but an increase in demand for mixed use, so they decided to add more residential into the area. The product will be higher-end apartments. Renderings have been refined to make the buildings look a little more commercial. He met with the neighbor to try to answer questions and concerns. They asked to move the project to another site, but this is the best site after considering it. The owner of the business park does not feel this will lower land values and that the project will fit into the overall development.

Tanya Bruder with attorney firm Nodolf Flory, LLP, stated her clients Lotus Spa and Marshfield Clinic are located next to the subject site, and they have concerns that this project would create an island of residential in a sea of commercial. The City's Comprehensive Plan embodies good zoning practices and its commercial designation makes it the highest and best use of the site. The properties in the area should remain block as commercial. Her clients were told in the past that the area was supposed to be commercial, but the issue is that they have not been able to sell the property. This is about profit and convenience and it will set a poor precedent deterring future business moving into the area. Multi-level residential buildings next to a single-story commercial building are a stark contrast. Apartment buildings deteriorate over time unlike commercial buildings, thus her clients' property value will diminish and they will suffer sales. Further, the outdoor activity of the residential tenants will conflict with the quiet nature of the spa's location. The developer promised that the area would remain commercial when they sold the land to her clients. Submitted support letters are self-serving because there is common

interest in these property owners. She recommended the project to be moved further west of the area, and if not and this gets approved, the reality is the business is probably not staying in the city.

Mr. Larsen stated this area was planned and zoned for commercial use and it should not change because of the promises made to the initial commercial land owners. Plans can be changed but people make investment decisions off official city plans, and the benefit of the doubt should be staying course with the plan.

Ms. Mitchell stated the current zoning does not mean it is the highest and best use of the land. Mixed use is a new way of looking at development and not separating uses like in the past. We are more interested in combining uses now. Promises made should be worked out between parties not the City.

Ms. Ebert stated mixed use is good but this site is not the best area for walkability because of its topography and isolation from the mall and other residential uses.

Mr. Pederson stated the buffer of terrain between the single-family homes and this property site helps but wondered why they could not locate this project across the road.

Mr. Weld stated what was represented to the neighboring land owners when they bought land was that it would stay commercial. This proposal breaks that promise.

Ms. Mitchell moved to recommend approval of the rezoning with conditions of the staff report. Seconded by Mr. Pederson, and the motion failed on a three to four vote. Ms. Mitchell, Mr. Granlund and Mr. Seymour voted in favor, while Ms. Ebert, Mr. Larsen, Mr. Pederson and Mr. Weld voted against.

2. **REZONING (Z-1571-15) – RM-P to C-2P, 1004 Menomonie Street; and**  
**SITE PLAN (SP-1552) – Restaurant/bar**

Mr. Radabaugh returned to the meeting.

Mr. Tufte presented a request to rezone property from RM-P to C-2P and to adopt the general development plan for a restaurant/bar at 1004 Menomonie Street. There are commercial zoning and land uses to the north and east of the site. The subject site is also next to a large redevelopment area with planned commercial uses. The 80-seat restaurant/bar requires 23 stalls with transit and bike rack credits. There are 10 stalls proposed on the site and 20 stalls located in the City right-of-way. There is a lease agreement for this parking with the City and the former property owner to the south. The applicant would need to amend this agreement and gain approval by the City Council to cover the new parking. If the applicant would like to operate the restaurant as a bar they will need to obtain a conditional use permit. The building is a landmarked structure and previously the applicant was denied a demolition permit. Staff received a letter of support from the Randall Park Neighborhood Association.

Applicant, James Rolbiecki of 3448 Trimble Street spoke in favor of the project and had no concerns regarding the staff report. He stated a sidewalk to the north may be beneficial and the outdoor seating area would be in the northeast area of the parcel.

Leonard Schreiber with Cedar Corporation stated an additional sidewalk could be added if needed.

Mr. Granlund moved to recommend approval of the rezoning and site plan with conditions of the staff report. Ms. Ebert seconded and the motion carried.

3. **REZONING (Z-1572-15) – C-3P to C-2P, 1709 Harding Avenue; and**  
**CONDITIONAL USE PERMIT (CZ-1518) – Ground floor residence; and**  
**SITE PLAN (SP-1553) – Mixed Use Building**

Mr. Tufte presented a request to rezone property from C-3P to C-2P and to adopt the general development plan for a mixed use development. There is mostly commercial zoning and uses in the area but some residences are located up the small embankment to the west. The Comprehensive Plan designates this for commercial. The property to the south and east have a similar situation and to the north they are interested in doing the same. The proposed building would have a ground floor restaurant, drive-through, second commercial tenant, and a one-bedroom apartment in the rear. A conditional use permit is needed for the ground floor apartment in a C-2P district. The second floor would have three 2-bedroom and one 1-bedroom apartments. There is concern with conflicts between the drive-through and rear apartment entrance. It could be redesigned with the entrance to the west. The ground floor dwelling unit is needed because of the building and ADA codes when no elevator is proposed. The grading of the site appears to disturb areas of over 20% slope and may require review. Required parking of 26 stalls can be met with the transit and bike provisions. Cross access agreements need to be filed. There is also some concern with traffic flow through the site and redesign suggestions have been offered. A right-in right-out turn lane may be allowed but a left turn access is a concern and not recommended. Drainage requirements on the other lot, also owned by applicant, must be met. Staff recommends postponement on the site plan and conditional use permit, but would like the rezone to be acted on. The applicant is in agreement.

Leonard Schreiber with Cedar Corporation stated they can take care of the details and make revisions, but would like the rezoning to move forward. He showed a revised site plan that indicated a pedestrian connection to the public sidewalk. Tenant parking will be on the west and in the back of the site. Drainage goes to the inlet then to the bioswale and a trench drain will catch a majority of the runoff. The bioswale also adds more green space.

Bob Yanke, owner of 1631 Harding Avenue to the north, stated the applicant does not have legal access to go across his site. He would be happy to talk to them though. He has a problem with the right-in right-out option because it would cause people to sneak through his property. He requested a barrier or green space along the property line to stop people moving across his site. From experience, he believed drainage actually flows to the north towards his property and not towards the proposed bioswale. A median green space buffer in between with a gutter to channel runoff out to the road would also stop people moving across his land. The garbage area may not be large enough for the demand.

Mr. Larsen moved to recommend approval of the rezoning. Ms. Mitchell second and the motion carried.

Mr. Larsen moved to postpone the site plan and conditional use permit. Mr. Pederson seconded and the motion carried.

4. **REZONING (Z-1573-15) – R-1A & R-1 to R-1P; and**  
**PRELIMINARY PLAT (P-3-15) – The Estates of High View**

Mr. Tufte presented a request to rezone property from R-1A & R-1 to R-1P and to adopt the general development plan to allow a reduced front yard setback for a new single-family development. The development is for 20 single-family lots on approximately 30 acres. One home is existing and will be on a new lot. Setbacks of 15 feet and sidewalks deferred by City Council are being asked for because of the plat being on a hill and to preserve trees. If not granted, staff would recommend 20-foot setbacks. There was a letter provided from the homeowner to the immediate west that does not agree with the 15 foot setbacks. Lot 9 needs approval by the Commission because its driveway is being accessed off a flag lot. For lots 8 and 9, homes will need to be sprinkled or a fire hydrant provided because they are located farther away from available service. The cul-de-sac common area needs to be maintained by the homeowners.

Craig Wurzer, 3149 Haas Street, with C&E Wurzer Builders stated they are the exclusive builder of the subdivision and most homes will be custom. Many lots will have scenic views. Homes on lots 9 and 10 will be sprinkled or a hydrant provided. Covenants will ensure floor plans of 1,700 square feet at minimum. Home will be at upper scale prices. He believed there is a market for these homes and plans to start infrastructure in April or May. Homes should be built this summer and final completion is anticipated in 2018. He stated 20-foot setbacks could work but with a sidewalk, it may prove challenging for home placements. Building pads in the plat are larger to allow for building with the site terrain. Homes will have minimal yards. He had no concerns with the engineering requirements. He noted there is only one way out of the development and there should not be a lot of traffic on the road. The existing house to the west is unique and should not interrupt the character of the development. This development should raise values of the area.

Mark Erickson with Kramer Land Studio stated lots with a 30-foot setback would be problematic and they tried to drop the road so the homes would have walkouts. The street grade goes from 9% to 2%.

Attorney, Rich Pendergrast, representing Fred and Joyce Simmons of 3955 High View Drive, stated their primary concern is the aesthetics of the development and a proposed lot line cuts right through their back yard. The development is going to affect their use of the property. Lack of privacy is going to change the character of the neighborhood and may affect their land value. They would like longer setbacks with longer driveways like their own property.

Debbie Drung of 3551 Cummings Avenue, representing her son Daniel Drung who owns a house at 3929 High View Drive, stated the additional traffic in the area could cause problems with

children. A sidewalk would be safer and less lots overall would allow them to meet required setbacks. Signs should be required to drive slow for children if no sidewalks are allowed. Shorter setbacks of 15 feet could cause problems also with longer vehicles parking in driveways. She asked if the street design will cause issues for snow removal.

Mr. Genskow stated the City has different types of vehicles to address challenging road terrain for snow removal. He noted if the sidewalks are deferred, there should still be about 29 feet from the right-of-way curb to the house, including the 15-foot setback. Sidewalk deferral justification for new developments is either for topography or public interest reasons. The street and cul-de-sac will be required to be built to City standards for larger vehicles, such as for garbage trucks, to access homes.

Jeff Martin, 650 Hewitt Street, stated sidewalks would be safer for the neighborhood. There is a large amount of young children going up and down High View Drive already.

Ms. Mitchell moved to recommend approval of the rezoning and preliminary plat subject to the conditions of the staff report. Mr. Pederson seconded and the motion carried.

5. **CONDITIONAL USE PERMIT (CZ-1517) – Ground floor residence, 422 Putnam Street**

Mr. Tufte presented a conditional use permit request to allow a ground floor single-family home residence in a C-2 zoning district. The request is fitting since there are older single-family homes all around the site. The neighborhood plan calls for initiating rezoning of the area as well.

Paul Holzinger of Bungalow Points Homes LLC stated this is a good use of the property and the home will fit into the neighborhood well. Hopefully this project will have a positive impact on other reinvestment.

Mr. Pederson moved to approve the conditional use permit. Mr. Radabaugh seconded and the motion carried.

6. **ANNEXATION (15-4A) – Westover Road and State Street, Town of Washington**

Mr. Tufte presented a request to recommend the petition to annex a parcel of land from the Town of Washington. The 3.16 acres of land has an existing garage and water and sewer utilities are nearby.

Mr. Granlund recommended approval of the annexation request. Ms. Ebert seconded and the motion carried.

7. **CERTIFIED SURVEY MAP (CSM-5-15) – Hester Street**

Mr. Tufte presented a request to approve a Certified Survey Map for three R-2 residential lots and 1 outlot. There would be a cul-de-sac bulb to serve the lots. Outlot 1 needs to be sold to the property owner to the south; the location is on the west side of Hester Street, south of Mitchell Avenue.

On behalf of Wilbert Statz Home Builders LLC, Disa Wahlstrand with Ayres Associates spoke in support of the project. A sidewalk will be a part of the future cul-de-sac.

Dave Fitzgerald, 2711 Irene Drive, asked if Hester Street is going to eventually connect to Heartland Drive or not now with the cul-de-sac being proposed. He asked if this is a change in policy.

Mr. Genskow stated this project would not have a through connection; it would reduce traffic flow through this area and direct traffic out to use Rudolph Road. Pedestrian connectivity however will be maintained to the south.

Ms. Mitchell moved to recommend approval subject to the conditions of the staff report. Ms. Ebert seconded and the motion carried.

8. **SITE PLAN (SP-1551) – Sign Plan, The Lismore, 333 Gibson Street**

Mr. Ivory presented a request to approve a master sign plan for the Lismore Hotel, which includes both the hotel building and banquet facility. Seven signs are being proposed. Two 4.5' x 7' flat panel wall signs on Gibson Street, a wall sign on S. Barstow Street issued already on the eight floor, a flat panel on S. Barstow Street for a 8 square foot non-illuminated restaurant sign, two projecting signs 4' x 5' on S. Barstow that would be internally illuminated, and a 3' x 16' wall sign on the south side of the City-owned parking ramp, which would be illuminated. The existing Civic Center sign would be removed. The applicant has been working with the Public Works Department on this sign. The initial drawing showed a "P" channel letter in a circle logo and a Lismore sign below. A revised plan shows the addition of "Public Parking" to make it more clear the ramp is not the hotel's. If the Commission approves of this Lismore sign, the City Council would also have to approve it by an agreement. There is some concern because the location of the sign could mislead the public that the ramp is only for the hotel. Another option that staff suggested to the applicant would be to place the Lismore sign on the south wall of the hotel building. Staff also mentioned this sign could be on the wall of the banquet facility. The applicant was not present at the meeting to answer questions, and it was suggested that the six signs on the main hotel building could be considered and the other sign could be reviewed later.

Ms. Mitchell moved to approve the six signs on the main hotel building as proposed and deferring the ramp sign until additional information is provided. Mr. Pederson seconded and the motion carried.

9. **DISCUSSION/DIRECTION**

A. Code Compliance Items

None.

B. Future Agenda Items

Ms. Mitchell asked staff to initiate the larger rezoning from commercial down to residential, per the North Side Hill Neighborhood Plan on the 422 block of Putnam Street.

C. Additions or Corrections to Minutes

10. **MINUTES**

The minutes of the meeting of November 30, 2015 were approved.

A handwritten signature in black ink, appearing to read 'JR', is written over a horizontal line.

Jamie Radabaugh, Secretary